REMARKS

By way of the instant amendment, claims 2 and 10 have been cancelled. Claims 17-20 have been added. Thus, claims 1, 3-9 and 11-20 remain for examination.

Claims 1-6 and 9-14 stand rejected under 35 U.S.C. 103 as unpatentable over Garner in view of Matsuo. Further, claims 7-8 and 15-16 stand rejected under 35 U.S.C. 103 as unpatentable under Garner in view of Matsuo and further in view of Fujiki.

The examiners rejections with respect to traverse.

The examiner takes official notice on page 3 lines 8 and 20 of the outstanding office action. Applicants object to the examiners taking such official notice and request the examiner to cite appropriate references so that applicant may study same and prepare an appropriate reply. Applicant notes the teaching of Matsuo at column 17 lines 11-19 as cited by the examiner. However, no reference was cited as to the "smart telephone" as discussed in paragraph 5 of the outstanding office action.

In paragraph 5 of the outstanding office action, the examiner recognizes that Garner does not teach applicants specifically recited dial responsive decision unit. This decision unit appears as element 205 in applicants figure 2. By way of the instant amendment, applicant has amended all of the claims such that the dial responsive decision unit or the comparable method recitation has been included in all of applicants independent claims. While the examiner points to figure 2 of Garner, it is clear that the operations of figure 2 apply to the switching system 10 and are not part of the client computer as shown in applicants figure 2. Moreover, the flow chart of figure 2 has nothing to do with e-mail stored on a server; rather, figure 2 merely depicts forwarding a call to a voice mail system if the number of rings exceeds a threshold (step S27 and S28).

In view of the amendments made to the applicants independent claims, it is submitted that the Patent and Trademark Office has not made out a *prima facie* case of obviousness within the provisions of 35 U.S.C. 103. In short, none of the references taken out as

singularly or in combination disclose applicants specifically recited dial responsive decision unit or comparable method recitations.

Moreover, the teaching of Matsuo, in particular, the cited portion in column 7 lines 11-19 are insufficient to teach applicants recitations in originally filed claim 1. Matsuo simply does not disclose any means for moving a record of a client having a higher incoming mail check frequency to an upper line of a mail managing table and a means for moving a record of a client having a lower incoming mail check frequency to a lower line of the mail managing table. Moreover, applicant has amended claim 1 to combine the recitations of claim 2 therein. As such, applicants claim must be considered as a whole and the teachings of Garner and Matsuo must render obvious applicants invention taken as a whole. However, even assuming that Matsuo presents some disclosure as to sorting according to frequency, there is no motivation to combine the teachings of these two references in a manner done by the examiner in order to make obvious applicants invention. In short, one would not be motivated to take the selected three lines of Matsuo (assuming these lines were sufficient in themselves to teach applicants claim 1 – which is strenuously traverse by applicant) and combine them with the teachings of Garner to arrive at applicants amended claim 2. For these reasons also, the Patent and Trademark Office has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. 103.

Applicants dependent claims are believed to be patentable at least for the reasons indicated above with regard to the independent claims from which they depend.

As to new claims 17-20, claims 17 and 19 are independent. Claim 17 is directed to an embodiment of the invention in which the important aspect is that the client and server are linked when there is an e-mail message to be sent to the client from the server and the client and server are not linked when there is no such e-mail. Claim 19 is the apparatus analog of method claim 17. These claims are deemed to be patentable as well as dependent claim 18 and 20 since the recited limitations are not found in the prior art.

It is submitted that the application is now in condition for allowance and an early indication of same is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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